

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**
455 Golden Gate Avenue
San Francisco, California 94102-3660

Report

TO: Members of the Judicial Council

FROM: Collaborative Justice Courts Advisory Committee
Hon. Darrell W. Stevens, Chair
Nancy Taylor, Committee Staff, 415-865-7607
Sandy Claire, Project Analyst, 415-865-7632

DATE: October 12, 2001

SUBJECT: Collaborative Justice Courts Advisory Committee Report Approval
(amend Cal. Rules of Court, rule 6.56(d)) (Action Required)

Issue Statement

Rule 6.56(d) of the California Rules of Court requires that the Collaborative Justice Courts Advisory Committee provide a report by November 1, 2001, that sets forth its progress in discharging its duties and assesses “whether the committee should be dissolved or should continue to exist and, if so, whether it should maintain its current structure and charge.” This report fulfills that requirement and provides (1) criteria for identification of collaborative courts and locally generated best practices, (2) methods for evaluating collaborative justice courts, (3) an assessment of funding, and (4) an update on progress toward recommendations for minimum judicial education standards. In addition, the report outlines ongoing projects and future directions in the field of collaborative justice courts.

Background

In the 1990s, a range of therapeutic justice courts and restorative justice court models developed in California courts. The California Drug Court Project was the foundation for this development.

During the last decade, the rapid growth and success of the drug court concept, both nationally and in California, spawned an effort to promote continued development of these programs. In 1995 the California Office of Criminal Justice Planning (OCJP) initiated discussions with the Administrative Office of the Courts (AOC) to administer pass-through grants to support new and expanding drug courts in California. To provide direction in this process, Chief Justice Ronald M. George appointed the Oversight

Committee for the California Drug Court Project, a task force chaired by Judge Patrick J. Morris. The task force served from July 1, 1996, through December 31, 1999.

Between 1996 and 1999, the task force oversaw \$3.5 million in grant funding for drug courts from OCJP. Members of the task force also presented information and testimony to the Governor's Policy Council on Drug and Alcohol Abuse in September 1997. This effort initiated a relationship with the Department of Alcohol and Drug Programs (ADP) and resulted in support from the members of both the executive and legislative branches for the Drug Court Partnership Act and the Comprehensive Drug Court Implementation Act (CDCIA). These programs combined have provided over \$45 million in funding for drug courts since 1998.

The Judicial Council continued its interest in drug courts and other courts of this nature, now referred to as "collaborative justice courts." In 1998 the council's November issues meeting was devoted to "therapeutic justice." At that meeting, presentations focused on drug courts, domestic violence courts, community courts, and peer courts. The council discussed the need for more information, including data for evaluations, input from the trial courts, existing programs, funding and use of existing resources, etc.

Also in 1998, task force staff procured a federal grant from the U.S. Department of Justice, Drug Courts Program Office, to design a pilot data collection system and evaluation program for the California drug courts based on criteria recommended by American University for evaluating the impacts of drug court programs. California was the first state in the nation to attempt a comprehensive evaluation of this nature.

Collaborative Justice Courts Advisory Committee (2000–2001)

The Chief Justice appointed the Collaborative Justice Courts Advisory Committee in January 2000, as a way of expanding the scope of the Oversight Committee for the California Drug Court Project.

There was initial concern over the range of duties and the composition of this advisory committee. The Collaborative Justice Courts Advisory Committee is chaired by Judge Darrell W. Stevens of Butte County. Its membership roster is attached at pages 46–48. The charge of the committee is contained in rule 6.56(d) of the California Rules of Court, attached at pages 49–50. Subdivision (d) of the rule requires a "report in writing to the Judicial Council by November 1, 2001, setting forth with specificity its progress in discharging the duties set forth in subdivision (b) and assessing whether the committee should be dissolved or should continue to exist and, if so, whether it should maintain its current structure and charge."

To follow the council's direction and prepare for this progress report, the committee set up a systematic process of continuing education for its members. Each committee meeting included an educational presentation covering a topic such as drug court evaluation, domestic violence courts, peer courts, restorative justice, or mental health courts

(planned). In addition, because the AOC is in a partnering relationship with ADP for oversight of the Drug Court Partnership Act and the Comprehensive Drug Court Implementation Act, a representative of ADP has attended each advisory committee meeting and has conveyed reports, updates, and recommendations from ADP.

In January 2001, the committee sponsored a special presentation at the California Judicial Administration Conference and highlighted the San Diego Homeless Court, the first of its kind in the nation. Also in the spirit of collaboration, the August 3, 2001, meeting was hosted by committee member Captain Daniel McCoy, Chief of Police in Santa Ana. The meeting included a tour of the recently constructed, state-of-the-art Santa Ana Police Department facility and a commentary on law enforcement experiences and issues.

With the passage of Proposition 36 (the Substance Abuse and Crime Prevention Act) in November 2000, the advisory committee was given the added task of overseeing the Proposition 36 Implementation Workgroup. This workgroup consists of a core of advisory committee members, as well as judges, court administrators, a public defender and a district attorney, liaisons from the Judicial Council Probation Services Task Force, and liaisons from the executive and legislative branches. The liaisons include representatives from the Governor's Office, the Office of the Attorney General, legislators, the Legislative Analyst's Office, ADP, and the Board of Prison Terms. The added oversight task, along with the immediacy and enormity of implementing Proposition 36, impelled the committee to focus additional attention on drug courts and their relationship to Proposition 36. The workgroup roster and summary are attached at pages 51–60.

Despite the challenge presented by overseeing the implementation of Proposition 36, the committee did not lose sight of the larger view of collaborative justice. Certainly collaborative justice includes drug courts as one of its more developed elements, but it is *not* exclusively a drug court phenomenon. In fact, the committee noted that the vote for Proposition 36 seemed to express an interest on the part of the electorate in alternative court processing of certain types of cases. In this spirit, the attention given to implementing Proposition 36 provided another avenue for exploring the role of the court in relation to community-identified needs.

The committee has also been guided by the “Resolution in Support of Problem-Solving Courts” that was adopted at the August 3, 2000, Conference of Chief Justices/Conference of State Court Administrators, attached at pages 61–63. This resolution reflects the growing interest in collaborative justice (or problem-solving) courts at the national level. It includes a request that the National Center for State Courts (NCSC) examine the principles and methods of problem-solving courts. To fulfill the charge of both groups, and in the spirit of collaboration, advisory committee staff initiated a project with NCSC staff to identify national trends involving promising practices in collaborative justice courts. This project is designed to inform the committee as it identifies and disseminates “promising practices” in California.

Progress Report

Activities that were undertaken to fulfill the committee's charge included:

1. Assessment of the effectiveness of local collaborative justice courts;
2. Dissemination of best practices information to the courts;
3. Development of minimum judicial education standards and activities;
4. Identification of potential funding sources;
5. Making recommendations regarding AOC grant funding programs; and
6. Identification and use of outreach activities needed to support collaborative justice courts.

To identify collaborative justice courts, the committee (a) developed criteria for identification and (b) surveyed California's courts.

Criteria for identifying collaborative justice courts

One of the first tasks the committee approached was the development of criteria for identifying and evaluating collaborative justice courts. The committee made a list of characteristics that distinguish collaborative justice courts, and from that distilled a brief definition:

Collaborative justice courts include integration of services with judicial case processing, ongoing judicial intervention, close monitoring of and immediate response to behavior, multidisciplinary involvement, and collaboration with community-based and government organizations.

The committee also considered the definitions identified by NCSC in the *Report of the Therapeutic Justice Task Force for the Conference of Chief Justices and the Conference of State Court Administrators*. That report noted the use of several related terms and definitions, which include elements of community involvement, problem solving, and therapeutic outcomes. Restorative justice and therapeutic jurisprudence were noted to have a growing body of legal and social science scholarly literature, whereas other definitions and descriptors have more recent origins. The resolution adopted by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (CSCA) in August 2000 noted the range of descriptors applied to these types of courts and court principles but highlighted the continued evolution of collaborative justice courts in its use of the descriptor "problem-solving courts." The definition of problem-solving courts was noted to include four principles that encompass many of the key features identified in the

committee's definition of collaborative justice. One of these is the belief that collaborations with government and community groups are essential.¹

To develop its own draft criteria for identifying collaborative justice courts, the advisory committee also modified and added to the National Association of Drug Court Professionals' (NADCP) 10 components, described in *Defining Drug Courts: The Key Components*.

The advisory committee's criteria for identifying collaborative justice courts are listed in the following table.

Components of Collaborative Justice Courts

| | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Collaborative justice courts integrate services with justice system processing. |
| 2. | Collaborative justice courts emphasize achieving the desired goals without the use of the traditional adversarial process. |
| 3. | Eligible participants are identified early and promptly placed in the collaborative justice court program. |
| 4. | Collaborative justice courts provide access to a continuum of services, including treatment and rehabilitation services. |
| 5. | Compliance is monitored frequently. |
| 6. | A coordinated strategy governs the court's responses to participants' compliance, using a system of sanctions and incentives to foster compliance. |
| 7. | Ongoing judicial interaction with each collaborative justice court participant is essential. |
| 8. | Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. |
| 9. | Effective collaborative justice court operations require continuing interdisciplinary education. |
| 10. | Forging partnerships among collaborative justice courts, public agencies, and community-based organizations increases the availability of services, enhances the program's effectiveness, and generates local support. |

¹ The task force report was included in NCSC's *California Technical Report: Promising Practices and Problem Solving Courts*.

11. Effective collaborative justice courts emphasize a team and individual commitment to cultural competency. Awareness of and responsiveness to diversity and cultural issues help ensure an attitude of respect within the collaborative justice court setting.

culture = ideas, customs, skills, arts, etc., of a people or group that are transferred, communicated, or passed along, as in or to succeeding generations

diversity = difference, variety.

Surveys of collaborative justice courts

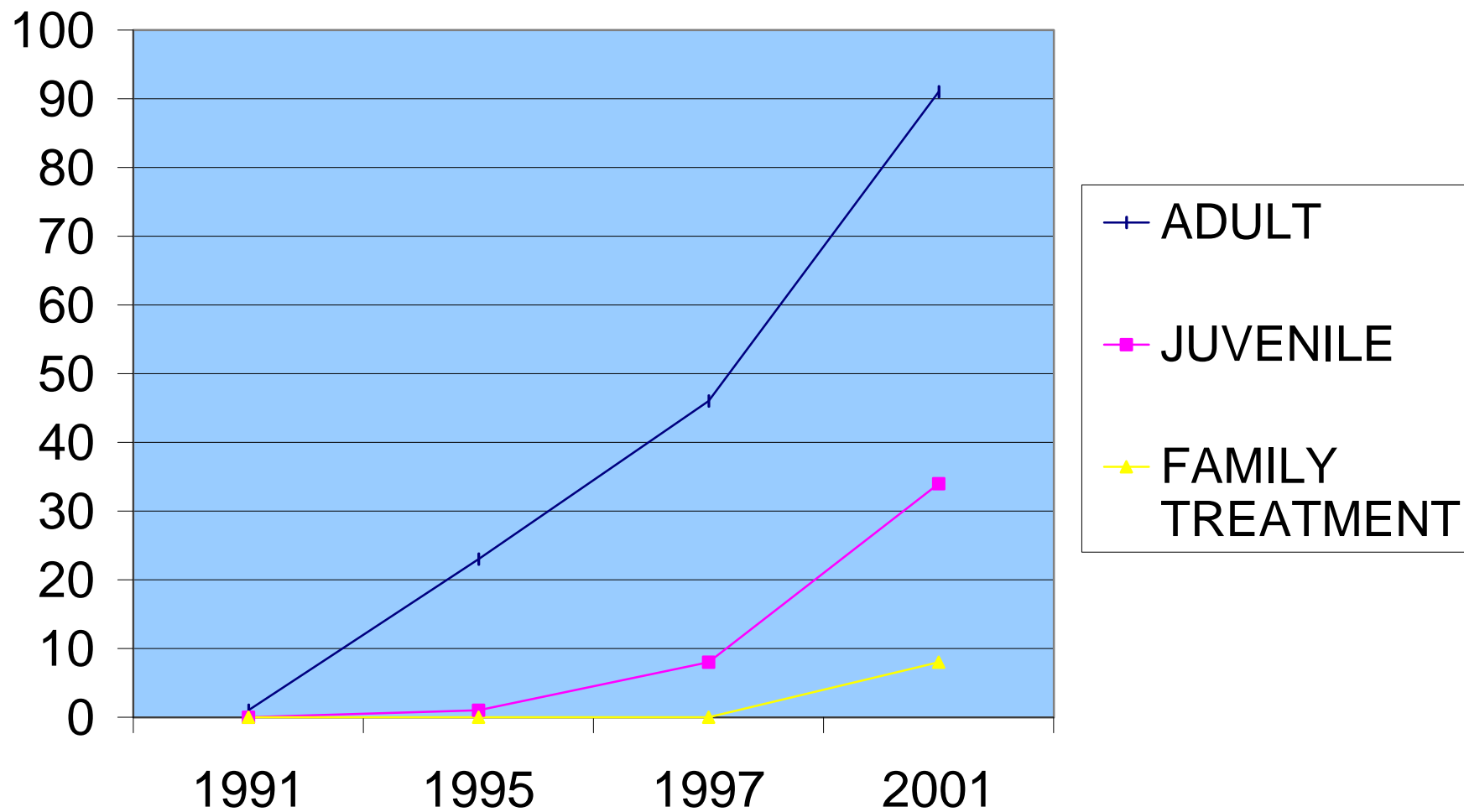
Drug Court Survey. The committee staff has surveyed California drug courts four times since 1996. These surveys document the remarkable growth of these programs from 1991, when there was only one drug court in California (the F.I.R.S.T. Program in Oakland), to 1997, when there were 46, to June 2001, when there were 128 drug courts either in operation or planned.²

Also during the 1990s, the scope of drug courts diversified. Earlier drug courts were almost entirely adult criminal drug courts. Later, a few juvenile delinquency drug courts emerged, the numbers grew, and now there are at least 31. Another recent development is the establishment of drug courts for some types of civil cases. These include juvenile dependency drug courts and family law drug courts, where clients with substance abuse issues that relate to child welfare problems or to custody and visitation issues are provided with supervised treatment. As of June 2001, family law drug courts numbered at least 27. Their efforts are reported to be successful because the parents' motivation to participate in treatment is tied to their goal of retaining custody of their children or increasing visitation.

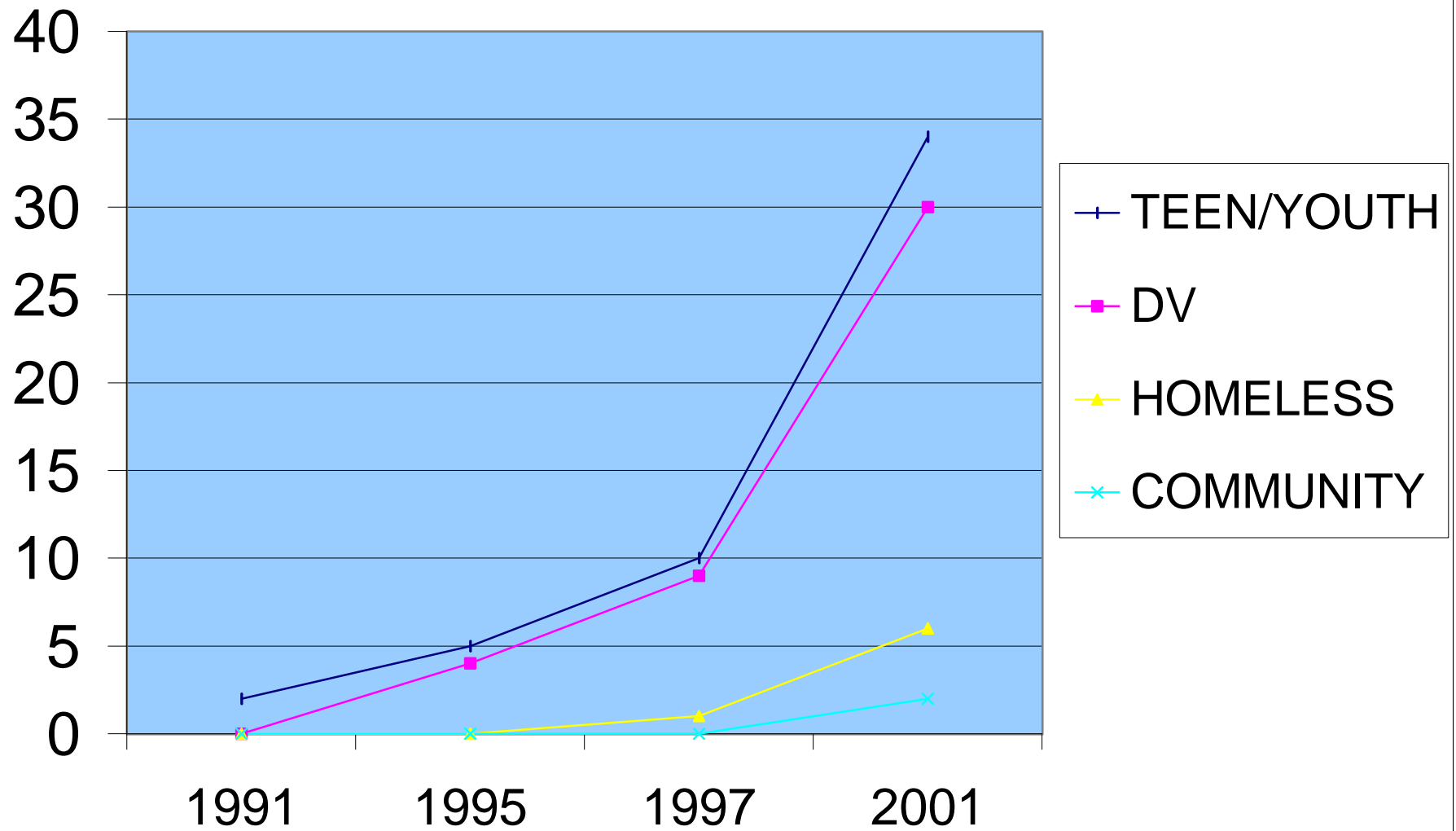
Prior to the implementation of Proposition 36 on July 1, the committee and the Proposition 36 workgroup had prepared implementation models and distributed them as resources to courts statewide. These models described proposals for integrating Proposition 36 into a continuum of drug court and diversion programs. The June 2001 survey shows that prior to July 1 the criminal drug courts in California were structured to accommodate a combination of preplea (Pen. Code, § 1000.5), deferred entry of judgment, and postplea and postsentence (Pen. Code, § 1000) cases. Current activities of the workgroup include continuing research to identify other models of implementation statewide.

² The most recent drug court information was obtained through a court survey requesting data on drug courts prior to the implementation of Proposition 36 on July 1.

Growth of Drug Courts



Growth of Other Collaborative Justice Courts



Collaborative Justice Court Survey. In early July, a survey was e-mailed to all court executive officers requesting information on any collaborative justice courts that were part of their court systems. Although some jurisdictions also identified drug courts, this survey focused on collaborative justice courts other than drug courts. Its results are attached at page 64, and information regarding specific court activities is available through the committee staff. The following table identifies the main, broad categories of collaborative justice courts and the current number of each.

| | |
|----------------------------------|----|
| Adult drug courts | 91 |
| Juvenile delinquency drug courts | 34 |
| Juvenile dependency drug courts | 21 |
| Family treatment courts | 7 |
| Community courts | 2 |
| Domestic violence courts | 28 |
| Re-entry courts | 4 |
| Mental health courts | 17 |
| Teen/peer courts | 22 |
| Homeless courts | 6 |

“Best” or “Promising” Practices

Although the advisory committee’s charge discusses “best practices” guidelines and locally generated best practices, the members of the advisory committee are in agreement that the preferred terminology at this time is “promising practices”—noting that the criteria for determining such practices have not been fully defined. Thus, efforts regarding establishing promising practices are first discussed from a broad perspective in this report, and then are considered within each collaborative justice court category.

Identifying promising practices: National trends and California practices

Committee staff partnered with NCSC to identify national trends in collaborative justice courts, with particular attention paid to identifying best or promising practices. The 1999 National Conference on Public Trust and Confidence in the Justice System identified the work on best practices as “the most important national role to improve public trust and confidence in the justice system.” In light of this project, NCSC seemed uniquely prepared to assist in committee efforts to define and identify promising practices in collaborative justice courts and to provide a national backdrop against which to view promising practices specific to California courts. As a result, NCSC was recommended by CCJ and CSCA to host and staff a Best Practices Institute. The Best Practices Institute is discussed in the *NCSC Technical Assistance Report* and highlights many of the considerations that the committee has noted in developing methods of identifying promising practices.

The several challenges faced by the committee in establishing promising practices include the difference between the community’s expectations for court outcomes and the traditional expectations of the judicial system. In the former—which encompass public,

legislative and political perspectives—“success” is often implicitly defined as ending the criminal behavior. In the latter, “success” has meant that the process was fair. This tension is noted in the CCJ and CSCA task force report. Similarly, the Best Practices Institute noted tensions between the need to identify practices that address emerging issues and the need to identify proven practices about which there is already much confidence.

Thus, the committee’s initial efforts regarding promising practices have been to define and identify the collaborative justice court models as a foundation for assessing their goals, impacts, and practices. To assist in the latter task, and to help the committee focus on California courts, committee staff partnered with the Justice Management Institute (JMI) in developing an initial survey instrument to assist courts in identifying promising practices in the local venue. JMI also conducted an initial survey using the instrument and provided an interim report to the committee. The committee acknowledges that this step is preliminary to identifying local promising practices. Another preliminary step is to inform courts of these practices and of methods of identifying practices at the local level. It is felt that these preliminary steps are needed to test the promising practices survey instrument for effectiveness in identifying California models and to then place California’s promising practices in the broader context of the NCSC effort.

As noted in its recommendations for its own future directions, the advisory committee plans to enlarge its compilation of locally generated promising practices during the next three years. This effort will be coordinated with the NCSC and JMI projects to identify promising practices as well as with other projects that identify noteworthy programs, such as the Ralph N. Kleps Awards for Improvement in the Administration of Justice. The committee’s compilation would be identified as one part of the activities of the Center for Court Innovation at the AOC, currently being developed.

“Key components” as promising practices

The committee also noted that the components for identifying collaborative justice courts listed on pages 5 and 6 are themselves “promising practices” and are the foundation for innovative and creative local practices. As already mentioned, the committee adopted and modified NADCP’s 10 key components of drug courts and applied them to the more general collaborative justice framework. In so doing, the committee took note that certain types of courts would emphasize and interpret elements of the components differently. Of particular significance is the use of a nonadversarial process, which applies readily to the therapeutic justice model in drug court or mental health court but proves more problematic when applied to domestic violence proceedings. This element, therefore, is highlighted more closely in the “domestic violence courts” section of the report, at page 15.

The 11th component, cultural competency, is expressed as follows: “Effective collaborative justice courts emphasize a team and individual commitment to cultural competency. Awareness of and responsiveness to diversity and cultural issues help ensure an attitude of respect within the collaborative justice court setting.” This component was added because the advisory committee feels it is an essential part of any successful program. In

fact, the committee sponsored a Cultural Competency Workshop at the 2001 California Drug Court Symposium on March 1–2 of this year. This item is of such significance in California courts that review of it has been included here.

Cultural Competency. The 2000 Census demonstrates the vast diversity of ethnicities and languages in California. In fact, the population of California is moving toward a society that no longer has a single predominant racial or ethnic group and in which the previously predominant Caucasian group is becoming smaller than the aggregate of the other racial and ethnic groups. An increase in diversity can be seen in almost every arena of life in California, with immigrant population growth being particularly noteworthy and affecting all communities, whether urban, suburban, or rural.

The impact of this change on courts and on the administration of justice is hard to overstate. In collaborative justice court settings, differences in culture can affect access, successful fulfillment of terms of probation or treatment, and understandings of these unique court processes—which can differ greatly, particularly for some immigrant populations. On the other hand, as noted in the committee’s review of restorative justice, some aspects of the collaborative justice approach may be more understandable for groups that place the role of community response and the impacted victim(s) at the center of justice proceedings.

One of the biggest changes in the 2000 Census was that respondents could select more than one race on the Census form to identify themselves or their family members. Therefore, the number of possible races plus combinations in California has increased from 10 in 1990 to 126 in 2000. (See “Demographic Changes for California Counties” at page 65.) These new data provide insight into how many interracial couples and multiracial people there are in the state.

However, some experts argue that there are other factors that link people together, cultural values often being stronger than values rooted in racial or ethnic identity. The committee considered racial and ethnic identity as an area of cultural competency that affects courts. It also considered wider constructs, such as the working definition of “culture” referenced at the annual NADCP Family and Juvenile Drug Court Training in January 2001. Culture is defined as “all those things that people have learned to do, believe, and enjoy in their history. It is the ideals, beliefs, tools, customs, and institutions into which each member of society is born.”

In its discussions of culture and cultural competency, the committee identified a wide range of topic areas about which people may have very different cultural beliefs:

- | | | |
|---------------------|--------------|-------------------------|
| • Government | • Education | • Hospitality |
| • Family importance | • Discipline | • Dress |
| • Death and dying | • Treatment | • Premarital sex |
| • Childbearing | • Sex roles | • Prison/justice system |

- Employment
- Marriage disclosure
- Nutrition/diet
- Homosexuality
- Drug and alcohol use
- “Medications”
- Spirituality
- Living arrangements
- Nudity
- Caretaking
- Authority figures
- Domestic violence

The committee noted that with California’s increasingly diverse population, cultural competency seems an essential part of collaborative justice court operations that reflect the Judicial Council’s Strategic Plan goals, particularly goal I (access, fairness, and diversity) and goal IV (quality of justice and service to the public).

Collaborative justice court descriptions and promising practices

This section of the report presents descriptions of each collaborative justice court category and subcategories, and funding information related to each. Following the introductory descriptions, promising practices for each category are reviewed in detail.

Drug Courts. Several types of drug courts now operate in California and nationally:

- *Adult criminal drug court*
Adult criminal drug courts are the oldest model of drug courts. In June 2001 (prior to the implementation of Proposition 36), the California trial courts reported that there were 91 adult drug courts in operation or planned. Funding for these courts was available through the AOC during a four-year cycle of funding from 1996 to 2000. In addition, the Drug Court Partnership Act of 1998 continues to provide funding to postplea adult drug courts in the state. Preplea adult drug courts became eligible for funding under the Comprehensive Drug Court Implementation Act, which was funded initially in fiscal year 2000–2001.
- *Juvenile delinquency drug court*
A juvenile delinquency drug court has two primary goals: ending the use of alcohol and other drugs and reducing delinquent activity among juvenile offenders. The first juvenile drug court opened in Visalia in 1995 under the leadership of Judge William Silvera, Jr. As of June 2001, 31 juvenile delinquency drug courts were in operation or planned. For the last six years, funding for juvenile delinquency drug courts has been provided by the AOC with a series of pass-through grants from OCJP. In addition, beginning in fiscal year 2000–2001, juvenile delinquency drug courts are eligible to receive funding through the Comprehensive Drug Court Implementation Act.
- *Juvenile dependency drug court*
Juvenile dependency drug courts target the parents of children in the child welfare system (usually children seven or younger, primarily infants and toddlers) who have been accused of or admit to drug/alcohol abuse that is related to child welfare concerns, without necessarily having a criminal charge or an already established court

order not to drink/take drugs. These courts have been eligible for funding from the AOC for the past two years; 6 courts were funded in fiscal year 2000–2001, and 12 are being funded for fiscal year 2001–2002. They are also eligible for funding under the Comprehensive Drug Court Implementation Act.

- *Family law drug court*

Family law drug courts target families (a family being a guardian or guardians with at least one child) in an effort to keep the parents out of the criminal system and the children out of juvenile dependency court. It functions within the context of child and spousal support, child custody, and other family-law-related issues. The Riverside Family Law Drug Court describes its target group as “any person involved in a family law custody dispute wherein drug abuse allegations are made. More specifically, the drug court targets any person in a family law case wherein substance abuse is preventing that person from having anything other than supervised visits with his/her child(ren). No criminal charges can be pending. The participant cannot have a violent criminal record or a felony offense on record.” The Riverside Family Law Court has been funded with AOC pass-through grants for the past two years.

- *Family treatment court*

The term “family treatment court” has been used interchangeably with “family law drug court” and “juvenile dependency drug court.”

In January 1997, the U.S. Department of Justice (DOJ) released *Defining Drug Courts: The Key Components*. This report has been used at more than 100 federal, state, and locally sponsored drug court training conferences. It is one of the most referenced “operational” reports in the field. It is the foundation for promising practices in the area of drug courts.

Effective January 1, 1997, the California Legislature determined that the only preplea diversion that may occur in California is through a drug court. In response to the amended statutes and to ensure uniform standards for preplea drug courts throughout the state, the Oversight Committee for the California Drug Court Project developed the *Proposed Guidelines for Diversion Court Programs* (Cal. Standards Jud. Admin., § 36). The Judicial Council approved the final proposal with an effective date of January 1, 1998. (The standard is attached at pages 66–69.)³

³ Subdivision (g) [National standards] reads: “In addition to meeting these minimum standards, courts are encouraged to look to the nationally accepted guidelines, *Defining Drug Courts: The Key Components*, developed by the National Association of Drug Court Professionals in cooperation with the Department of Justice, for further and detailed guidance in developing an effective diversion drug court program.” The components are summarized in the attachment at page 70.

In 2001 JMI gathered data for its report to the AOC. The data revealed several self-identified locally generated promising practices for adult drug courts in California. In its initial report, JMI identified these promising practices, as follows:

- *Motivational speakers: Mariposa County*
Mariposa Adult Drug Court invites motivational speakers to address drug court participants about the benefits of staying clean and sober. Speakers have included probationers who have graduated from the program, prominent businesspeople who have hired drug court participants, and community members who have suffered from a substance abuse problem and recovered.

- *Gasoline vouchers and treatment furlough: Mendocino County*
Mendocino County covers more than 3,500 square miles. The county developed a program in which drug court participants can earn vouchers to help defray transportation costs, in addition to bus passes and other transportation tokens.

Mendocino County also implemented a jail treatment furlough program, modeled after work furlough, to allow attendance at treatment sessions. The objective is to enable jailed defendants to receive treatment and move through the drug court phases even though they are incarcerated.

- *Nutrition and exercise program: Orange County*
The Harbor Justice Center formalized its nutrition and exercise program in January 2001. Working in partnership with the community college, the Harbor Justice Center requires all drug court participants to take a course on nutrition and exercise at the college.

- *Self-esteem classes: Orange County*
Orange County Drug Court offers drug court clients the opportunity to attend self-esteem classes through the local community college. During the eight weeks of classes, the participants learn “positive life attitudes,” including goal setting.

- *Reward system: San Joaquin County*
The San Joaquin Adult Drug Court designed a unique reward system that is based on points earned for good behavior. When a participant enters the drug court, he or she has zero points. Points are earned for positive steps toward recovery (e.g., attendance at all Alcoholics Anonymous meetings and clean urine tests). Once the participant has earned a certain number of points, he or she is rewarded with coupons from popular local restaurants, movie passes, bus tickets, or even a bicycle (the police department donates confiscated and unclaimed bicycles).

Another measure of promising practices is reflected by the annual Ralph N. Kleps Awards for Improvement in the Administration of the Courts. Since 1993 there have been 14 Kleps applications that focused on drug courts. Five of those have won awards: San

Diego Dependency Court's Recovery Project (1999), the Shasta County court's Addicted Offender Program (1997), the Butte County court's ReVia Alcohol Treatment Program (1996), the Santa Clara County court's Treatment Court Project (1995), and the Alameda County court's F.I.R.S.T. Drug Diversion Program (1993). The following brief program descriptions provide insight into two of these innovative and promising practices in the area of adult criminal drug courts.

- *ReVia Alcohol Treatment Program: Butte County*

The ReVia Alcohol Treatment Program assists severely alcohol-dependent defendants convicted of alcohol-related offenses in recovering from alcohol abuse. The program, a cooperative effort, includes a private pharmaceutical company that provides the expensive drug ReVia (which reduces the craving for alcohol) at no cost and local medical facilities that supervise administration of the drug, report to the court on each defendant's performance at no cost, and provide medical examinations at a reduced cost.

- *Community Ties Program*

The Butte County court's Community Ties Program was also nominated in 1999. The Butte County Drug Court expanded its client base to include nonviolent felony probationers in order to reduce state prison commitments, thereby preserving families and saving tax dollars. The drug court is successful because of its strong ties with the community, the police, the sheriff's office, the Chamber of Commerce, local foundations, local hospitals, and many other community-based agencies and organizations. The program has received considerable cash donations as well as in-kind donations such as tattoo removal, graduation plaques, and incentives.

The Center for Judicial Education and Research (CJER) conducts a biannual training for drug court professionals throughout the state. The last training was held on March 1–2, 2001, with an attendance of 500. CJER plans to develop a television program geared toward cutting-edge issues identified by the field. As part of its ongoing activities, the Collaborative Justice Courts Advisory Committee is also generating a list of funding opportunities that will be disseminated to all drug courts.

Domestic Violence Courts. The members and staff of the Collaborative Justice Courts Advisory Committee worked with AOC staff from the Center for Families, Children & the Courts (CFCC) who have been considering the issue of domestic violence courts and promising practices. A CFCC analyst presented the committee with findings from a survey on domestic violence courts that the council provided to the Legislature in May 2000. She pointed out that there are important differences between many drug courts and those courts that handle domestic violence cases. For example, domestic violence courts generally deal with violent defendants, whereas drug courts do not. There are still many questions about what types of approaches work to prevent violent defendants from abusing family members if they are not in custody. Great care must be taken in identifying promising practices so as to protect the safety of families and communities.

Several resources were found to be particularly useful. For example, Judge Randal B. Fritzler and Professor Leonore M. J. Simon's "Creating a Domestic Violence Court: Combat in the Trenches," published in *Court Review* in spring 2000, provides a list of what the authors term "principles of an effective domestic violence court" at page 71. They note that, "when dealing with domestic violence, it is a mistake to try to force what one is doing into the drug court format." Courts need to be concerned with the fact that in domestic violence cases they are working with violent offenders and that, while rehabilitation of the offender is "desirable, . . . offender accountability and victim protection are paramount." Judicial demeanor is particularly important in making victims feel comfortable in the court and conveying to those found to have perpetrated domestic violence that the court takes their behavior very seriously. Cases must be acted upon immediately, and orders must contain sufficient detail to be useful as "no contact" or restraining orders. In these cases it is likely that individuals will also have cases in criminal, family, and juvenile courts, so coordination between courts becomes important as well. Too often, individuals have to contend with conflicting orders, which can potentially create safety issues and make it more difficult to enforce specific provisions.

The second volume of the *Journal of the Center for Families, Children & the Courts* (2000) includes an article by CFCC staff member Julia Weber, titled "Domestic Violence Courts: Components and Considerations." In part, the article reviews the findings of the council's domestic violence courts study. The study revealed certain common practices among domestic violence courts and also revealed that this is an emerging field that has yet to produce a particular model of court practice or procedure. One of the challenges in this field is that currently there is no single definition of "domestic violence court." Various jurisdictions have established "domestic violence courts" that hear either criminal or civil matters or a combination of both. Some communities have also established juvenile domestic violence courts that address perpetration of violence by those under 18. It is important to note that there is significant variation in how these courts are structured. However, there are also important similarities that enable domestic violence courts to identify themselves as separate and distinct from other courts.

Whether calendars are civil or criminal, in domestic violence courts particular attention is paid to how cases are assigned, the need to screen for related cases, who performs intake-unit functions, what types of services are provided to victims and perpetrators, and the importance of monitoring respondents or defendants. For example, in some jurisdictions, all domestic violence matters of a particular type (i.e., felony assault and battery cases) may be handled by the specialized calendar. In other places, domestic violence matters may be combined in a court that handles both criminal and civil domestic violence matters on the same docket. Throughout California, domestic violence courts handle a wide variety of cases including criminal misdemeanor and felony assault and battery, child custody, juvenile and other family law matters, and civil restraining orders. This wide variety has developed in large part because domestic violence may be an issue in any of these subject-matter areas.

The Family Violence Prevention Fund, a national domestic violence organization, is currently reviewing domestic violence courts around the country in anticipation of its release of a set of promising practice guidelines in early 2002. Because of this, the Collaborative Justice Courts Advisory Committee has chosen to defer recommendations for promising practices until those national guidelines are available.

In terms of opportunities for judicial education, there are several programs that address domestic violence court issues. CFCC sponsored the “Family Violence and the Courts: A Coordinated Response” conference (May 17–18) in Los Angeles. The members of the Collaborative Justice Courts Advisory Committee were subsidized to attend this conference.

Over the past decade, the numerous applications for and winners of Kleps awards that were related to domestic violence have shown the importance of dealing with domestic violence within court administration. In 1994 the Citrus Municipal Court won a Kleps award for its Domestic Violence Courtroom Pilot Project. In 1998 both San Mateo and Riverside Counties sought recognition for their efforts to develop domestic violence courts. Court-sponsored projects have received or been nominated for Kleps awards, such as the Family Violence Solutions Center in San Diego and the Domestic Violence Training and Awareness Program in Orange County, which received the award in 2000.

Following are some of the court recipients of and nominees for Kleps awards in prior years.

- *Domestic Violence Courtroom Pilot Project: Citrus Municipal Court, Los Angeles (1994 winner)*

The project established a specific court to hear all pending and newly alleged violations of Penal Code sections 273.5 (misdemeanors and felonies), 242 (domestic only), 166(a)(4), and 273a (involving physical abuse of a child). The options explored were early intervention and counseling (with a strong focus on alcohol and substance abuse), community resources, frequent appearances for progress reports, and extensive input and monitoring from probation and other services.

- *Domestic Violence Court, San Mateo (1998 nominee)*

Modeled after drug courts, the project provided intense supervision of persons convicted of domestic violence. This was accomplished by immediate enrollment in prescriptive treatment programs, supervision by a probation officer, regularly scheduled review before a single judge, and progressive sanctions and/or rewards for compliance or noncompliance. The goals of the project were to reduce the numbers of probation violations and domestic violence filings and to increase the number of probationers who successfully completed probation. The recidivism rate decreased by more than 50 percent for defendants served by the project. The percentage of defendants who failed to enroll in a treatment program has decreased from 37 percent to 23.9 percent, and the percentage of defendants who failed to participate in one

dropped from 30 to 10.5 percent. Domestic violence filings from January 1, 1998, to June 30, 1998, decreased by 16.5 percent.

- *Domestic Violence Court, Riverside (1998 nominee)*
The project was developed for individuals who either pled guilty to or were found guilty of domestic violence–related misdemeanor charges in superior court. They were then closely monitored to ensure compliance with probation and were required to attend progress hearings as part of their sentences. At the first progress hearing, individuals had to show proof of enrollment in anger management classes, a condition of their probation. If a defendant was in compliance, subsequent progress hearings were scheduled every 90 days for a year. If the defendant appeared and had failed to comply, the judicial officer assigned him or her to the sheriff’s work program in lieu of jail time. If a defendant did not appear for the progress hearing, a warrant was issued. Consequences for failure to comply were immediate, starting with the work program and advancing to guaranteed jail time.

Youth Court. Youth court, also known as peer or teen court, is an alternative approach to the traditional juvenile justice system. A youth charged with an offense opts to forgo the hearing and sentencing procedures of the juvenile courts and agrees to participate in a sentencing forum with a jury of the youth’s peers under the supervision of a judge. Youth defendants and volunteers often play a variety of roles in the teen court process (district attorney, public defender, etc.). Some roles are played by those whose own sentences include serving in the youth court.

The target population is teenagers arrested on misdemeanor charges and even minor felonies—anything from graffiti writing to small-time drug sales. These courts usually handle nonviolent first-time defendants accused of shoplifting, vandalism, starting schoolyard brawls, and committing crimes unlikely to be prosecuted otherwise.

The basic principles of youth courts are that they be youth-focused and youth-driven and that they be designed and operated to empower youths, assisting them to think, make choices, and develop connections with adults.

According to statistics from the Office of Juvenile Justice and Delinquency Prevention, there are over 650 youth courts nationwide, compared with 50 in 1991. The first teen court began operation in 1983 in Odessa, Texas. The July survey shows that at least 29 trial courts in California participate in teen court programs.

Differences exist in the design and operation of teen court programs. Some are based on the juvenile justice system, others are community based, and still others are school based. Most programs serve a sentencing function only (the juvenile offender is required to admit guilt or agree not to contest charges). For the purposes of the Collaborative Justice Courts Committee project, information has been gathered only on youth courts that are operated by or with the collaboration of the court system. Therefore, the total number of

teen courts cited does not include many teen courts in the state that are school based or community based and that are operated without a judicial bench officer.

Judge J. Richard Couzens and Karen Green of Placer County have taken the lead in the state as proponents and mentors for youth courts. On October 25–26, 2001, CFCC, in collaboration with the Placer County Peer Court, sponsored the California Youth Court Training Conference at the Judicial Council Conference Center in San Francisco. The conference provided training for county teams in the creation and expansion of local youth courts. Workshops covered issues such as gangs, funding, volunteers, restorative justice and mediation, small counties and schools, evaluation, peer and attorney mentoring, and community service.

In an effort to provide funding for a broader range of collaborative justice courts (drug courts alone were the previous focus), AOC staff procured fiscal year 2001–2002 funding from OJCP for teen/youth courts in California. Applications were mailed to the trial courts in May 2001, and completed applications were due June 30. At its August 3 meeting, the Collaborative Justice Courts Advisory Committee recommended that 11 trial courts receive grants for one or more teen courts, for a total of over \$320,000. Each court's funds can be used for a teen/youth court coordinator; educational materials, films, and videotapes pertaining to education, treatment, and recovery; drug testing; counseling and treatment (tobacco education, substance abuse, violence, coping); rehabilitation, vocational training, job placement, and health services; training for staff; and so on. Because the AOC is administering grants directly to the courts, only programs operating on the judicial bench officer model were eligible for funding.

The teen courts receiving mini-grant funding are required to provide AOC staff with quarterly statistical reports that include such information as the number of current participants, the number of participants who have completed the program, the number of community service hours completed, and basic demographic information. By June 2002, staff will have the basis for beginning to evaluate teen courts in California. At this time, however, most data are available through the National Youth Court Center (NYCC), operated by the American Probation and Parole Association (APPA) and sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). These two organizations, along with the National Highway Traffic Safety Administration of the U.S. Department of Transportation and the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services, have contributed significantly to the development of youth courts throughout the nation.

With regard to “promising practices” guidelines, project staff are currently deferring to the National Youth Court Center, which released the *Daily Operations Handbook* this fall and has previously published *National Youth Court Guidelines* (funded by OJJDP, the National Highway Transportation Safety Administration, and the U.S. Department of Education, Office of Elementary and Secondary Education) and *Peer Justice and Youth*

Empowerment: An Implementation Guide for Teen Court Programs. A summary of the National Youth Court Guidelines is attached at pages 72–78.

Other agencies involved in developing materials and providing information and guidelines for teen courts are:

- The American Bar Association’s Division for Public Education, which provides a comprehensive national information clearinghouse for public education about law for school-based projects;
- Street Law (in Washington, D.C.), which develops community service education lessons for teen courts; and
- The Constitutional Rights Foundation (in partnership with OJJDP, NYCC, and APPA), which is developing a youth, court community service–learning manual. The manual will provide youth court program coordinators with (1) methods of planning and implementing group community service–learning projects to be used as sentencing options and (2) a set of project suggestions to meet a variety of sentencing and learning needs. This publication will be field tested, revised, printed, and disseminated to youth courts nationwide.

As part of its future activities, the Collaborative Justice Courts Advisory Committee will continue to evaluate teen courts, with emphasis on identifying locally generated promising practices in further development of the project with JMI. It is expected that courts will be assisted in identifying and developing local promising practices. Courts have begun to submit nominations for Kleps awards in this area, also, which is seen as an indicator of local promising practices identification. In 1997 the Placer County Peer Court received a Kleps award, and the teen court in Imperial County has submitted an application for 2001.

The outreach activities to support teen courts at this time are the California Youth Court Training Conference, as already mentioned; the new mini-grant program for teen courts; and referrals to national resources. The committee staff hopes to be able to provide additional technical assistance in the near future. Some technical assistance has begun for courts that are in the process of developing teen courts or that wish to participate in future funding opportunities as they become available.

Homeless Courts. A homeless court is a special court calendar held in a local shelter for the homeless to resolve outstanding misdemeanor criminal warrants (principally “quality-of-life” infractions such as unauthorized removal of a shopping cart, disorderly conduct, public drunkenness, public urination, and sleeping on a sidewalk or on the beach). Resolution of outstanding warrants is not only a fundamental need of homeless people but also eases court case processing backlogs and reduces vagrancy. Homeless people tend to be fearful of attending court, yet their outstanding warrants limit their reintegration into society, deterring them from using social services and impeding their access to

employment. They are effectively blocked from obtaining driver's licenses, job applications, and rental agreements.

In 1997 the first homeless court was established as an outgrowth of San Diego's Veterans' Stand-Down Program. That program annually offers services to the homeless, the majority of whom are veterans. The San Diego Homeless Court meets monthly, alternately at St. Vincent de Paul (San Diego's largest homeless shelter) and the Vietnam Veterans of San Diego Shelter.

Los Angeles started its homeless court in November 2000. This court is designed on a model similar to the court in San Diego, with court sessions held at community facilities that serve the homeless, such as the Salvation Army. The court addresses quality-of-life offenses that have gone to warrant, and provides sentencing that can clear the offense, involving participation in treatment and community service. Courts in Alameda and Ventura Counties have also begun holding homeless court sessions.

These courts are collaborative efforts. Combining progressive plea bargaining with alternative sentencing, the court, prosecutor, defense attorney, and shelters conduct active outreach into the community by sponsoring a special court session exclusively to address the cases and problems of criminally accused homeless individuals. Alternative sentencing substitutes counseling, volunteer work, and participation in agency programs for the traditional fines, public work service, and custody. The plea bargaining and alternative sentencing reduce the need for numerous hearings, saving court time and costs. Defendants are given credit for having entered a shelter, done volunteer work, or enrolled in Alcoholics Anonymous or other self-help and education programs.

The San Diego Homeless Court received initial federal funding from the Bureau of Justice Assistance. The San Diego Association of Governments (SANDAG) conducted an evaluation that enabled them to assess the impact of this new collaborative justice court. Their 79-page report suggests that the collaborative effort was successful, with over 700 cases (for 266 participants) resolved between October 1999 and February 2001. SANDAG reports:

- 96 percent of the cases presented were resolved;
- 86 percent of the participants who were counseled (one week before the hearing) appeared at the homeless court; and
- 50 percent of the comparison group (participants who did not appear) were arrested for felony offenses, as compared to 17 percent of the homeless court participants.

Data collected from participant surveys suggest that individuals' participation in the homeless court program improved their attitudes toward law enforcement and increased their satisfaction with court processes, court staff, and the court system as a whole. A copy of the SANDAG report, *San Diego Homeless Court Program: A Process and*

Impact Evaluation, is available on request. Applications for Kleps awards related to homeless courts have been submitted by San Diego and Ventura Counties.

Homeless courts are eligible to apply for Collaborative Justice Courts mini-grants; however, at this time no homeless courts are being funded and no technical assistance has been requested from AOC staff. Several courts have expressed interest in developing projects in this area. Both the JMI and NCSC promising practices projects will include homeless courts. Staff has also been approached with a request for funding assistance. One of the plans for expanding the grants and technical assistance projects is to focus on identifying funding sources for which courts could apply. This seems to be an area of growth in collaborative justice and reflects community concerns about the problem of homelessness, especially in urban centers in California.

Mental Health Courts. When mentally ill people are arrested, it is usually for minor offenses; under ordinary circumstances, they are sentenced to time served and quickly released back into the community, where they often commit additional offenses. As many jurisdictions increase their emphasis on drug crimes and quality-of-life offenses, the jail and court populations have included more and more mentally ill and disabled individuals who have extensive histories of involvement with the justice system and who have not been successfully engaged by community mental health treatment agencies. Crises in community mental health care (the long-term effects of deinstitutionalization), the drug epidemic of the 1980s and 1990s, the dramatic increase in homelessness over the last two decades, and widespread jail overcrowding have all led to the recent development of a mental health court strategy.

Statistical information cited by Ellen McCarthy in a *Court News* article (May–June 2001 issue), “Unconventional Justice for the Mentally Ill,” documents this. According to the article, in 1984 less than 3 percent of county jail inmates statewide were diagnosed with serious mental illness, but by 2000 between 11 and 12 percent had received these diagnoses. During the same period, the total population of California jails nearly doubled.

Like drug courts, mental health courts focus on treatment to restore health and reduce criminal activity. They focus on providing the mentally ill offenders with better access to treatment, consistent supervision, and support to reconnect with their families. Fifteen California trial court systems reported having mental health courts in operation or planned as of July 2001. Santa Clara County has established mental health courts in both its adult and juvenile courts, with their juvenile mental health court noted as the first in the state.

Because mental health courts are a fairly new phenomenon, only limited data on them are available. As part of its future activities, the advisory committee will continue to focus and enlarge on the task of compiling locally generated promising practices. The San Bernardino Mental Health Treatment Court was described in the DOJ report of April 2000 by John S. Goldkamp and Cheryl Irons-Guynn entitled *Emerging Judicial*

Strategies for the Mentally Ill in the Criminal Caseload: Mental Health Courts in Ft. Lauderdale, Seattle, San Bernardino, and Anchorage. In addition, the courts in Riverside and Santa Clara Counties were discussed in the *Court News* article by Ellen McCarthy.

The JMI project to identify promising practices in California provided two self-identified, locally generated promising practices for mental health courts in the state:

- *San Bernardino County*

In January 1999, San Bernardino County's mental health court began as a pilot program in the superior court, with the Supervised Treatment After Release (STAR) Program as its primary component. The court admits participants facing misdemeanor or felony charges who have serious mental health problems (true violent offenders are not eligible). Once a defendant is deemed competent and shows a willingness to participate in the program, he or she enters a guilty plea and is placed on probation—for a period of two years in misdemeanor cases or three years in felony cases. The defendant signs an individual treatment contract, specifying the terms of treatment and activities required for completion of the program. The treatment process centers on the treatment team, which comprises the judge, prosecutor, public defender, probation officer, case manager, day treatment provider, and sometimes the housing service manager. In the courtroom, the mental health court's proceedings closely resemble those of a drug court. As in a drug court, upon successful completion of the program the plea may be withdrawn, the charges dismissed, and the record expunged through a petition to the court.

San Bernardino County's program is designed to place mentally ill offenders in the appropriate services and to move them from intensive services to less intensive levels of care when success is demonstrated in the earlier phases. Once an individualized treatment plan has been developed, most participants are released into an augmented board-and-care residential treatment facility, which provides intensive supervision to ensure that they are attending psychiatric counseling, stabilizing on medication, and abiding by the terms of their probation. This mental health court differs from earlier ones in its close resemblance to the drug court model treatment process, including the use of jail as a sanction.

- *Los Angeles County*

In 2001 Los Angeles implemented a mental health court that takes in those with misdemeanor cases, including typical quality-of-life crimes such as possessing a shopping cart. After arrest, a mental health service provider conducts an assessment to determine whether the defendant is homeless and what his or her needs are. Once the defendant is accepted into the program (unlike drug court), the person does "status hearings" with the provider, not with the court. The only time the defendant shows up at court is when, after a year of being clean and sober and not committing a new offense, his or her case is dismissed. The mental health court has created linkages with a variety of social services, such as job training and GED preparation.

Mental health courts have shown enormous promise in diverting the mentally ill from the criminal justice system and helping them receive psychiatric treatment and other services. The biggest challenges are in the areas of training, funding, and the management of complex cases. Project staff at the AOC anticipate that future statewide drug court conferences will include modules on mental health courts. Collaborative justice court trainings will also include mental health courts. Other activities in this area include courses at the National Judges' College in Nevada, team taught by Judge Patrick J. Morris of San Bernardino County and Judge Peggy Fulton Hora of Alameda County.

The Collaborative Justice Courts Advisory Committee will continue to evaluate mental health courts over the next several years and focus on identifying additional locally generated promising practices. At this time, outreach projects to support mental health courts depend on funding. The Collaborative Justice Courts Mini-Grant for a substance abuse focus will be available to help fund courts, including mental health courts, with grants of up to \$100,000 for fiscal year 2001–2002.

The Statewide Advisory Group to ADP on Proposition 36 identified this client group as a special needs population impacted by the proposition. The Governor designated a mental health funding base of \$8 million for drug testing of Proposition 36–sentenced clients who have an identified mental illness. Members of the Judicial Council's Proposition 36 Implementation Workgroup have participated with ADP to integrate Proposition 36 proceedings with principles identified in mental health courts. Staff anticipates additional technical assistance requests in this area in the near future.

Community Courts. Community courts are an experiment in community-based justice. Like drug courts, these aim to improve efficiency in judicial proceedings, match sanctions and services to offenders, and build bridges between public and private agencies that serve offenders. Community courts focus on quality-of-life crimes and on cleaning up neighborhoods that are deteriorating from crime and neglect. The courts encourage community groups to identify neighborhood problems and become involved in developing solutions. Like peer/youth courts, community courts have models that involve court jurisdiction and resolution as well as models that do not.

Community court models focusing on out-of-court resolution have been developed in San Francisco and have reportedly been planned for the City of Richmond, to begin September 25, 2001. The City of Oakland is said to be considering this type of community court as part of its Cleansweep Program.⁴ The City of San Diego has initiated a similar project.

These out-of court programs are arranged through the respective offices of the city attorney to provide resolution pursuant to Penal Code sections 14150, 14151, and 14152. Often these are misdemeanor or infraction cases that are disturbing to community mem-

⁴ This information was obtained as part of a collaborative justice courts staff interview with Tom Bateman, President of California Community Dispute Services.

bers but would seem not to be most effectively or efficiently handled through traditional court proceedings. Volunteer community members hear the cases, with a community member serving as the judge or arbitrator. The programs identified in the Bay Area are managed by a nonprofit agency, California Community Dispute Services.

As distinct from court-connected projects, the out-of-court programs do not address cases involving homeless persons. Rather, they specifically address cases involving residents within their home communities. In San Francisco, a recurrence within 12 months results in review of the case by the District Attorney and possible filing.

The Midtown Manhattan Court, which opened in 1993, was the first community court of its kind. Its location provides access to a wide array of services and programs that can become part of the sentence. The court addresses quality-of-life violations, petty theft, prostitution, drug-related charges, and similar offenses. This court addresses cases for homeless individuals as well as for individuals with homes. A court of this type has been developed (as of July 2001) at the Van Nuys courthouse in Los Angeles, with the linkages to services available on site. Another such court is under consideration in San Diego.

Some members of the Collaborative Justice Courts Advisory Committee have been involved in developing the projects just mentioned. As noted in the *NCSC Technical Assistance Report*, these are comparatively new projects that combine elements of other models. They are expected to be of increasing interest to the committee as it reviews community-based court models, in that they are designed to address pernicious community problems such as homelessness and prostitution. These projects seem to be generating considerable interest because of their impact on quality of life. They go to the heart of concerns about the role of a court in responding to its community's problems.

Quintin Johnstone, Professor of Law at Yale University, approached the AOC with a request to include California courts in his study of community courts nationwide. The collaborative justice courts survey and staff interview results are being provided to Professor Johnstone in response to his inquiry. His results will be provided to courts and included in the committee's NCSC and JMI projects. Part of the future activities of the committee will be to identify funding opportunities and extend outreach in this new area as a means of assisting courts in assessing these developing court models.

Restorative Justice. At its August 3, 2001, meeting, the committee received a report on restorative justice from Judge Candace J. Beason. Her report included an overview of the key definitions and themes of restorative justice. During the meeting, the committee members discussed the significance of this model to certain cultural and religious groups, including the Maori people of New Zealand, Samoans, Mennonites, and some Native American tribal courts. The applicability of the model to juvenile delinquency proceedings was also noted. As in the *NCSC Technical Assistance Report*, the committee noted the applicability of this model to the area of collaborative justice.

The term “restorative justice” refers to an alternative philosophy for addressing crime. First articulated as a mission for juvenile probation agencies, the “balanced approach” is increasingly incorporated with restorative justice in a combination often referred to as “balanced and restorative justice” (BARJ). BARJ is a part of the ideology guiding the development and delivery of both adult and juvenile justice services. The balanced approach posits that there are three primary goals of justice: community protection, accountability, and competency development. While all three goals are seen as equally important in determining appropriate responses to offenses and allocating resources, this approach allows for offenders to be individually assessed and for emphases to vary depending on the particular situation.

If the goal of community protection is included in explanations of restorative justice, this bolsters the public’s expectation of safety and security. Offenders should be maintained in the least restrictive environment (and at the most reasonable cost) with which public safety can be reasonably assured. A basic precept of BARJ is that offenders with strong connections to their communities and who care about people in their neighborhoods are less likely to offend. Therefore, it is important that offenders remain in their communities when possible, and that justice practices foster positive relationships between offenders, their families, and community members. Removing offenders from their communities for punitive purposes severs pro-social bonds with families and others and places them with other offenders who may reinforce antisocial values.

Having competency development as a goal implies that offenders should exit the criminal justice system better able to be productive and responsible in the community than when they entered. One definition of competency is “the capacity to do something well that others value.” Offenders need opportunities to fill meaningful roles in the community and contribute to others’ well-being. Competency development for offenders may be focused on:

- Vocational skills and values;
- Knowledge, reasoning, and creativity;
- Personal and social skills, including conflict management and communication skills;
- Decision making and problem solving;
- Citizenship; and
- Health and recreation.

Many programs incorporate into the concept of BARJ neighborhood accountability boards, victim offender reconciliation programs, and family group conferencing.

The following chart is adapted from T. M. Godwin, *The Role of Restorative Justice in Teen Courts: A Preliminary Look* (quoting J. Moeser in personal communication). It compares the alternative restorative philosophy with a more traditional justice approach.

| Traditional/Less Restorative | More Restorative |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Focus on law breaking. | Focus on harm. |
| Focus on punishment. | Focus on repair. |
| Hearings focused on testimony, procedure, and evidence. | Hearings have an increased focus on dialogue and understanding. |
| Options for victim involvement are limited and constrained. | Options for victim involvement are varied and respect victim's choice. |
| Service options for offenders are limited and focus more on completion of tasks. | Service options for offenders are varied and related to their strengths, and benefit the community. |
| Sentences are based on predetermined factors related solely to the nature of the offense. | Sentences are individualized, based on guidelines that incorporate the desires of the victim, the needs and abilities of the offender, and the needs of the community. |
| Outcomes may further separate offenders from the community. | Outcomes strengthen the relationship between offenders and the community. |
| Program is based on procedure. | Program is based on principles. |

Some training and technical assistance continue to be offered in the area of restorative justice. In June 1999 CFCC co-sponsored a conference with the California Youth Authority, titled "Restoring Justice, Accountability, and Responsibility: A California Showcase Transfer of Knowledge Workshop." More than 100 officials from 14 counties contributed to that workshop. Although the committee's involvement with this area is just beginning, restorative justice was included as a category for proposals for funding in the 2001–2002 "Collaborative Justice Courts: Substance Abuse Focus" grants project. Like domestic violence and peer/youth courts, this is an area in which the Collaborative Justice Courts Advisory Committee expects to work closely with CFCC in the future.

In 1999 the Watsonville Juvenile Community Court (Santa Cruz County) received a Kleps award. The court had initiated a program to provide a range of services to minors and their families within their own community and to employ a restorative justice approach that includes intensive supervision (with the court playing a coaching role) and the use of positive reinforcement.

Collecting Data to Evaluate Long-Term Effectiveness of Collaborative Justice Courts

Each of the complex and comprehensive data collection projects described below requires additional time to complete, and so will be part of the committee's future activities.

Drug Court Partnership program evaluation

The Drug Court Partnership (DCP) Act of 1998 amended the Penal Code to establish a drug court demonstration program funded through four-year grants. Specifically, the act defines its purpose as "demonstrating the cost-effectiveness of drug courts operating pursuant to sections 1000 to 1000.4, inclusive, of the Penal Code, and for any defendant who has entered a plea of guilty and is on active probation."

Data collection for the DCP program evaluation began in spring of 1999 and will be complete in the winter of 2001. As mandated in statute, the DCP presented process information in an interim report to the Legislature (March 1, 2000). The interim report had been approved by the council at its January 26, 2000, meeting. A final report of the effectiveness of the DCP program is required by March 1, 2002. At its January 30, 2002, meeting, the council will be asked to approve the final report.

Preliminary data show the following trends:

- Of the continuing participants in the program, 95 percent tested negative during periodic drug testing.
- Of the babies born to participants in the program, 94 percent were drug-free babies.
- The estimated cost of jail days saved, based on 225,218 days at \$54 per day, totaled over \$12 million.
- The cost of prison days saved, based on 90,782 days at \$70.16 per day, totaled over \$6 million.
- Over 13 percent or 224 individuals were no longer homeless.

California statewide drug court evaluation

In 1998 the AOC applied for a grant from the Drug Courts Program Office of DOJ to establish a method for evaluating adult drug court programs in California. The grant was funded, and in 2000 the AOC began a cost-benefit evaluation of adult drug courts.

The results of the evaluation will help to address the following policy questions. First, are drug courts cost-effective? Second, what are the more promising practices of these courts (under what conditions and for which populations are practices effective)? And third, can these practices be replicated elsewhere? In addition to answering these questions, the study seeks to develop a methodology for the state's drug courts that will facilitate court-level evaluation of these programs.

This study is the first of its kind in the nation and may well set a national standard for the economic evaluation of collaborative justice courts. The study is managed by the Re-

search and Planning Unit of the AOC and a research advisory group that includes a member of the Collaborative Justice Courts Advisory Committee as well as nationally recognized researchers in the field of drug courts and substance abuse from the RAND Corporation, the Urban Institute, and academia.

Evaluation Design. The evaluation is divided into three parts. In the first phase the AOC is evaluating three adult drug courts in Butte, San Diego, and Los Angeles Counties. This part of the evaluation, which will develop a test model for statewide evaluation in California, started in January 2000 and should be completed in December 2001. The DOJ and the AOC are funding this phase through funds from the Comprehensive Drug Court Implementation Act. A second phase will begin upon the completion of the first part. In the second phase, the AOC will evaluate an additional eight courts⁵ and will test the model developed in the first phase. This second phase is contingent on funding from external sources, including a grant from the National Institute for Drug Abuse (NIDA), and will run for approximately two years. A third and final phase of this study, envisioned to begin in early 2004, will establish a protocol for continuous court-level evaluation of these programs.

Policy Questions. The drug court study focuses on obtaining information relevant to policy questions related to the administration of justice. One such question is about the effective use of resources. This study looks at publicly funded costs as “opportunity cost” resources. A systematic opportunity cost approach enables us to estimate resources that might be available for use in other contexts if they are not spent in a particular way. For example, if substance abuse treatment reduces the number of times a client is subsequently incarcerated, the local sheriff may see no change in his or her budget but will have a newly available opportunity cost resource in the form of a jail bed that can now be filled by another person. Drug courts and other collaborative justice courts are reported to provide such opportunity cost resources.

Drug court and other collaborative justice court programs often rely on a mix of grants and other nonrecurring funds from federal, state, and local sources. They also use what is becoming increasingly known as borrowed or “donated” resources, in that staff in the courts “donate” time and the courts “donate” resources, or shift them from other projects to the operation of collaborative justice programs.

By considering such costs and benefits, the evaluation of drug courts is designed to help the council assess the effects and implications of collaborative justice court models. Data on the actual costs and benefits of these programs will inform funding requests.

⁵ The eight drug courts chosen for Phase II are one court each in Riverside, San Bernardino, Stanislaus, Alameda, San Francisco, Yolo, and Monterey Counties, and a second drug court in San Diego County. In addition, the courts evaluated in the first phase will be re-examined in the second phase, bringing the total number of courts evaluated to 11.

The evaluation is also designed to help the courts determine which practices work best for which groups and yield the most results per dollar of investment. This information will enable courts to fine-tune their programs for maximum success with minimum dollar inputs, as well as to replicate practices that have succeeded in other jurisdictions.

The statewide evaluation should lead to a methodology, developed in collaboration by the AOC and the courts, for ongoing assessment of collaborative justice programs at the court level. Such a methodology will result in savings of both time and staff resources.

Current Status and Accomplishments. To date the following tasks have been accomplished:

- The AOC and its contractor, Northwest Professional Consortium, Inc. (NPC), have identified appropriate sources of data in various state agencies and courts for conducting the cost-benefit analysis.
- The AOC has developed agreements with these agencies to obtain data. In several cases, memoranda of understanding (MOUs) have been or are being developed to facilitate access to confidential information. These MOUs will also facilitate Phase II of the evaluation.
- Over 1,200 individuals have been identified to participate in the treatment or control groups as part of the study.
- A process evaluation has been completed in all three courts selected for Phase I of the study and in all eight courts selected for Phase II.
- Data have been collected for court, defense, and prosecution costs in all three counties participating in the first phase.
- The contractor has developed an economic transactional cost model for evaluating drug court systems (this model is being used for the first time in the nation here in California).
- The AOC has conducted intensive interviews with drug court judges and key participants from court, defense, prosecution and treatment participants in approximately 15 drug court programs throughout the state.
- The AOC has consulted with evaluators and other key individuals from federal and state agencies who are involved in criminal justice and drug abuse issues.
- The AOC has developed a nationally recognized research advisory group composed of representatives from academia, RAND Corporation, the Urban Institute, and the AOC's Research and Planning Unit.

A final report on the outcome of the first phase (based on the cost-benefit analysis conducted in Los Angeles, San Diego, and Butte Counties) is scheduled for December but is contingent upon the AOC's obtaining access to all necessary cost data from state agencies.

Phase II will take at least another two years to complete, limiting the conclusions we may now draw. However, the key products of Phase I can be seen to include:

- Cost-benefit analyses from three drug courts;
- Preliminary proxies for adult drug court costs and benefits;
- Preliminary results of promising practices of adult drug courts; and
- A draft economic model and methodology for the evaluation of drug courts in the state of California.

In addition to evaluating the three courts in Phase I, the evaluation team has begun to evaluate the courts selected for Phase II. Site visits have been made and preliminary data gathered in each of the eight locations.

The cost-benefit study is designed to yield solid economic information about the costs and benefits of collaborative justice programs, including information on recidivism rates, and more accurate estimates of court, prosecution, and public defense costs associated with drug court programs. It may also lead to the development of a model for evaluating other types of collaborative justice programs, including juvenile drug courts, mental health courts, and peer/teen courts. In doing so, this study will address the Collaborative Justice Courts Advisory Committee's charge from the Judicial Council to develop "methods for collecting data to evaluate long-term effectiveness of community-based treatment courts."

Long-term evaluation of Proposition 36

Proposition 36, which was enacted by the voters in November 2000, included a requirement for a long-term evaluation covering a five-year period, with an annual update report to the Legislature. The evaluation was to measure the cost savings, the effectiveness, and the impact of treatment as compared to incarceration, as well as assessing whether the approach was an effective response to drug abuse, from a fiscal perspective and from the perspective of public safety and health.

The lead agency for implementing Proposition 36, ADP, was charged with developing the evaluation plan and identifying an evaluator. ADP, the Collaborative Justice Courts Advisory Committee, and AOC staff were directly and actively involved in Proposition 36 evaluation design. The Proposition 36 Implementation Workgroup nominated two members who served on the ADP's Statewide Advisory Group for Implementing Proposition 36, and AOC staff participated in the Evaluation Advisory Group that was charged by ADP with implementing the evaluation.

ADP chose the University of California at Los Angeles (UCLA) in spring of 2001 as the statewide evaluator for the proposition. UCLA has since addressed workgroup meetings and has coordinated plans for data collection with AOC staff and workgroup members to ensure adequate representation of the justice system in the evaluation process. Data

collection is set to begin in January 2002, with the sampling of a group of courts that represent implementation statewide.

Local Community-Based Treatment Courts. Earlier sections covering particular court disciplines—particularly the remarks on promising practices—also contain information about methods used by the committee to assess and measure the effectiveness of local collaborative justice courts. In addition, some specific studies of court types were discussed earlier, such as the SANDAG report concerning homeless courts in San Diego.

The kinds of local collaborative justice courts that have yet to be evaluated are peer/youth courts and mental health courts. These court types have only recently developed far enough to support closer review of effectiveness at the local level. The grants project, like the OCJP mini-grants program, offers an opportunity to measure utilization and completion of these kinds of collaborative justice court programs. Such data provide a baseline from which to develop further study. As part of its future activities, the committee will specifically begin collecting data on these programs, using both grants project reports for fiscal year 2001–2002 and the developing NCSC and JMI promising practices projects.

Collaboration in National Research. For 10 years, American University has maintained an ongoing national database of drug courts containing just such baseline data. From the collection of these data have developed more in-depth projects, such as the California Drug Court Evaluation and the evaluation of Proposition 36. California drug courts have been part of the American University study since its onset; each year they provide a wealth of data on program utilization to be aggregated with data nationwide. The AOC also receives summaries of the California data to supplement more localized studies.

OCJP Mini-Grants Data. Since 1996 the OCJP mini-grants program has required funded courts to provide statistical data to the AOC regarding numbers of participants and program completions and various demographic information. The following is a very brief summary of the data gathered over the past three funding-year cycles:

| | |
|-----------|-------------------------------------|
| 1998–1999 | Funded: 4 juvenile drug courts |
| | Admitted to programs: 209 juveniles |
| | Program completions: 66 |
| | Drug-free babies born: 6 |
| | Funded: 31 adult courts |
| | Admitted to programs: 6,987 adults |
| | Program completions: 2,272 |
| | Drug-free babies born: 66 |

| | |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1999–2000 | <p>Funded: 6 juvenile drug courts Admitted to programs: 145 juveniles Program completions: 32 Drug free babies born: 2</p> <p>Funded: 26 adult courts Admitted to programs: 1,657 adults Program completions: 527 Drug-free babies born: 34</p> |
| 2000–2001 | <p>Funded: 7 juvenile drug courts, 1 family law drug court, 5 juvenile dependency drug courts, 2 family drug courts (criminal) Admitted to programs: 596 Program completions: 194 Drug-free babies born: 14</p> |

Identifying and Disseminating Locally Generated Best Practices. The second charge of the Collaborative Justice Courts Advisory Committee is to disseminate to the courts and public the information it has gathered on locally generated best practices. The committee and the Proposition 36 Implementation Workgroup developed several methods by which to disseminate the information about promising practices, which were discussed earlier in this report. Methods of dissemination include the following:

- Each issue of *Court News* contained an article on one of the projects of the committee or workgroup. Features about Proposition 36 implementation appeared, as did a feature on mental health courts.
- Fact sheets concerning drug courts and collaborative justice courts have been prepared and are available through the AOC.
- In addition, both the Judicial Council's public California Courts Web site and the Serranus Web site contain information on drug courts, Proposition 36, and AOC grant programs in collaborative justice. Serranus also contains Proposition 36 discussion forums and an online course prepared by CJER.

Judicial Education Standards and Educational Activities on Collaborative Justice Courts. Another of the committee's original charges was to address the question of establishing minimum educational standards for collaborative justice courts. The work of the committee has not reached the point of making recommendations related to educational standards. Rather, its initial focus was on educating committee members and on working collaboratively with CJER to provide educational programs to the courts.

The AOC's Education Division/CJER provides the judicial branch with both educational leadership and direct service. The CJER Governing Committee, as an advisory committee, serves under the direction of the Judicial Council and provides planning and imple-

mentation guidance for the statewide educational efforts of the Judicial Council and the AOC.

To better support collaborative justice court and drug court education in California, in late 1999 the CJER Governing Committee appointed the Drug Court Education Committee. The education committee is planning a curriculum that not only will serve drug court professionals, but portions of it may have direct application to other collaborative court endeavors, including mental health courts, dependency courts, homeless courts, and possibly domestic violence and peer courts. AOC staff and a member of the Collaborative Justice Courts Advisory Committee serve as liaisons to CJER's Education Committee.

The curriculum planning process includes three phases:

1. Development of the curriculum plan;
2. Development of the more specific educational plan, including plans for beginning, experienced, and advanced learners; and
3. Development of course- and program-specific faculty lesson plans.

The Drug Court Education Committee has recently completed and reviewed the basic curriculum plan for drug court education. The committee identified nine primary topic areas for development and emphasis:

- Information management systems, evaluation and monitoring of drug courts;
- Building community support;
- Collaboration;
- Funding/resource development;
- Drug court processing/basic criminal justice processing;
- Screening and assessment (intake);
- Case management;
- Sanctions and incentives (motivators); and
- Juvenile drug courts.

In March 2001, CJER and the AOC sponsored the biannual statewide conference for drug court professionals. There, more than 500 judges, coordinators, prosecutors, defense attorneys, probation officers, law enforcement officers, and treatment providers met together to discuss services and trends as well as operational, ethical, evaluation, and Proposition 36 issues. Of special interest was the possible impact of Proposition 36 on collaborative drug court programs that were operating throughout the state prior to July 2001.

Because Proposition 36 is anticipated to have tremendous impact on the operation of California's drug courts, various educational venues, including CJER's regularly sched-

uled Continuing Judicial Studies Programs (CJSP), have offered courses that have incorporated Proposition 36 presentations by Judge Couzens and other judicial officers. In addition, materials prepared by Judge Couzens were incorporated into a package of technical assistance materials that was forwarded to California's superior courts in June 2001. Judge Stephen V. Manley discussed Proposition 36 and its impact on California's drug courts at the 2001 Criminal Institute. Proposition 36 issues have been included in the criminal law curriculum plan within the sentencing context.

CJER's management team and senior staff provided technical assistance for the planning of the statewide Proposition 36 Implementation Conference, which was held May 13–16, 2001. In addition, the CJER staff was responsible for the development of an online Proposition 36 self-study course. In June 2001, CJER distributed materials to support local Proposition 36 training efforts. Included in this technical assistance package were copies of the Proposition 36 self-study course on CD-ROM, materials prepared by several California judicial officers, and a script for judicial officers to use when taking a defendant's plea.

Over the course of the past two years, CJER has also provided information and collaborative justice courts training opportunities as part of several programs. In May 2000, CJER partnered with the National Drug Court Institute and the National Association of Drug Court Professionals in sponsoring a week-long drug court training program for judicial officers. In addition, a week-long "Alcohol and Other Drugs" course is offered annually during the summer CJSP, and presentations are made at the annual Judicial College concerning drug courts and "Alcohol and Other Drugs."

In an effort to increase awareness of other collaborative justice court models operating throughout the state, the 2001 California Judicial Administration Conference (CJAC) featured workshops on homeless courts and dependency courts. Members of the Collaborative Justice Courts Advisory Committee have participated in CJER programs focused on juvenile law as well as family law and domestic violence. The CJER Domestic Violence Curriculum Committee develops curricula in this area. Domestic violence information has been integrated into the family, criminal, and new judge educational programs. CJER holds a Domestic Violence Institute for judicial officers every other year and produces the Domestic Violence Roundtable in the off years. CJER has produced a domestic violence curriculum for court employees and for new judges as well as a criminal benchbook on domestic violence.

The AOC's Education Division/CJER remains committed to continuing and expanding its offerings for collaborative justice courts education in cooperation with the Collaborative Justice Courts Advisory Committee and its staff as part of its future activities.

Grant Funding Administered by the Administrative Office of the Courts for Drug Courts and Other Treatment Courts, and Potential Funding Sources

In fulfillment of another of its original charges, the Collaborative Justice Courts Advisory Committee is responsible for reporting to the Judicial Council about the grant funding it administers.

The AOC administers two grants programs for collaborative justice courts. These are a mini-grants program funded by OCJP and a grants project funded through the AOC drug court projects. During fiscal year 2001–2002, AOC drug court projects will provide funding for family treatment courts and for a grant program for collaborative justice courts that have a substance abuse focus.

OCJP mini-grants program

Since 1996 the AOC has provided pass-through mini-grants from OCJP for drug courts in California. The first four years of funding provided general funding to both adult and juvenile criminal drug courts. These four years of funding provided \$3.5 million to the courts. The fifth year of funding required a change to a “family focus,” which resulted in grant funding for juvenile delinquency drug courts, juvenile dependency drug courts, and a family law drug court. This change resulted in the funding of a combination of criminal and civil drug courts. For 2001–2002, OCJP is providing \$1 million to fund a juvenile focus only, and therefore funding has been awarded to juvenile delinquency drug courts and teen/youth courts. Generally, these mini-grants have ranged from \$20,000 to \$40,000 per court program.

Other grants

Additional funding sources for other types of collaborative justice courts are to be identified in cooperation with the newly developed AOC Grants Unit. Collaborative Justice Courts Advisory Committee staff participated on the planning committee for this unit so that the unique needs of the collaborative justice courts could be considered in seeking funding opportunities and notifying courts about them.

During fiscal year 2001–2002, the first set of grants specifically for collaborative justice courts (exclusive of drug courts) is being developed. These grants are in the areas of peer/youth, homeless, mental health, domestic violence, restorative justice, and community court projects. The committee and staff seek to expand these funding opportunities as an important way of continuing to fulfill this charge.

Potential Funding Sources

Another of the Judicial Council’s charges to the committee was to identify and make recommendations regarding potential funding sources for collaborative justice courts. To fulfill this responsibility, committee members and staff participate with ADP, according to statute, in the administration of several state-funded programs that support drug or substance abuse court-related projects. The drug court programs are the Drug Court Partnership Act and the Comprehensive Drug Court Implementation Act. The Proposition 36

Implementation Workgroup and the committee also participated with ADP in statewide implementation of this substance abuse court–related initiative.

Drug Court Partnership Act

The DCP Act of 1998 amended the Penal Code to establish a drug court demonstration program funded through four-year grants. Specifically, the act defines its purpose as “demonstrating the cost-effectiveness of drug courts operating pursuant to Sections 1000 to 1000.4, inclusive, of the Penal Code, and for any defendant who has entered a plea of guilty and is on active probation.” Annually, ADP grants \$7.6 million to 34 counties in support of adult postplea drug courts through the DCP program. The ADP is currently in the process of issuing funding for the third year of this program. It was anticipated that this funding would be extended through 2002–2003; however, this funding and the CDCI funding along with many state funded programs, were identified for a funding cut due to unexpected budgetary constraints.

Comprehensive Drug Court Implementation Act

The CDCI Act of 1999, passed by the California Legislature and codified as Health and Safety Code sections 11970.1–11970.4, provides funding to “drug court systems” including those for (1) juvenile offenders; (2) parents of children who are detained by or dependents of the juvenile court; (3) parents of children in family law cases involving custody and visitation issues; (4) criminal offenders under Penal Code sections 1000.1–1000.5; and (5) other drug court systems approved by the Drug Court Partnership Executive Steering Committee. The State Budget for fiscal year 2000–2001 provided \$10 million for this previously unfunded act.

The act mandates that the Judicial Council and ADP collaborate on the design and implementation of the program. The Judicial Council approved the Guidelines for the Comprehensive Drug Court Implementation Act of 1999 at its August 2000 meeting.

This act provided \$10 million in funding for 2000–2001 but sustained a funding cut in 2001–2002. Courts are required to provide a 10 percent match for years one and two and a 20 percent match for years three and four. The original intent of this act was to provide funding at least through January 1, 2005 (five years).

Funding for the Drug Court Partnership Act and the CDCI was reduced by 21 percent in fiscal year 2001–2002. ADP, as lead agency, with the concurrence of the AOC, applied the cut among counties equally at 21 percent and allowed local agencies to apply the cut to either or both programs, as determined by local need.

Proposition 36

The intent of the initiative was to provide \$60 million in funding for Proposition 36 cases in 2001–2002, and \$120 million for each of the following four years.

Beginning January 1, 2001, funds allocated by the passage of Proposition 36 were allocated to counties, with a \$60 million trust fund in the first year for the purpose of planning and initial implementation costs. Each ensuing year, the Proposition 36 trust fund will be allocated at the rate of \$120 million per year, in accordance with the language of the act. Funds are allocated to the lead agency in each county according to an allocation formula developed by ADP with advice from the Statewide Advisory Group. County lead agencies were required to submit approved implementation plans that demonstrated interagency teams participating in implementation at the local level. Funding of court-related activities from this source has been limited to date, with an average funding rate of 0.98 percent and a range of 0 to 12.46 percent. The workgroup has initiated an effort to measure workload and costs to courts of implementing Proposition 36, in order to assist in identifying needs and resources in this area, if applicable.

Additional funding sources

The evaluation of California drug courts was initially funded by DOJ's national Drug Courts Program Office and is being considered for funding by NIDA. In addition, administrative funds provided by the CDCI were used to partially fund this study as well as to fund the NCSC and JMI projects. The CDCI administrative funds, of which the AOC collaborative justice project receives 2.5 percent each year, also funded the Proposition 36 Implementation Workgroup and training for court personnel in implementing Proposition 36.

In 1998, U.S. Senate Bill 1485 created the Mentally Ill Offender Crime Reduction Grant Program. It is administered by state boards of corrections that administer four-year grants for collaborative local projects. In fiscal year 2001–2002, \$8 million worth of Substance Abuse Prevention and Treatment Block Grants were authorized for programs for the dually diagnosed, (those with both a drug problem and a mental disorder). Federal legislation from fiscal year 1999–2000, U.S. Senate Bill 1865, also supports court demonstration projects for mentally ill people who commit nonviolent crimes and authorizes 100 grants to fund court personnel training and mental health services for eligible defendants.

Mental health funds for drug testing of Proposition 36 clients who have mental disorders have recently been made available through the Department of Mental Health. The unmet needs of offenders with dual diagnoses were also identified by the workgroup during its deliberations. A progress report by the Superior Court of Santa Clara County about its mental health court begins the process of identifying some of the challenges of using a collaborative justice approach to this type of criminal justice system participant. A copy of the *Superior Court of California, Santa Clara County, Mental Health Court Progress Report*, April 2001, is available from Collaborative Justice Courts Project staff.

As part of the committee's ongoing activities, it will explore additional access to funding through the Substance Abuse and Mental Health Services Agency, in order to help courts address their funding needs for mental health, homeless, and community courts. Simi-

larly, funding from other federal agencies may be available for court planning, implementation, and evaluation projects.

Funding for domestic violence courts has been limited. However, recently the federal government, through the Violence Against Women Act, increased the funding earmarked for courts. It is anticipated that more funding will now be available for courts and court-connected activities addressing domestic violence and sexual assault. In the meantime, many jurisdictions have pieced together resources to provide services to litigants, such as victim compensation (through which children and victims can receive financial assistance for counseling); legal aid, which sometimes provides free legal assistance for victims; and sliding-scale batterer intervention programs. Many domestic violence courts operate on existing court funds.

Public-private partnership

Technical assistance in seeking grant funding at the local level to meet specific needs has been initiated for local courts. This assistance includes encouraging partners of local court teams, as well as courts, to identify and seek a variety of public and private funding options. During the past year, the AOC partnered with ADP, University of California at San Diego, and the California Endowment to sponsor a statewide implementation training concerning Proposition 36 for county teams. The committee intends to pursue more of these collaborative ventures as part of its future activities.

Future Directions

The Collaborative Justice Courts Advisory Committee met on October 11, 2001, to discuss future directions for the committee. During a facilitated discussion, the committee identified its accomplishments to date under its initial charge, and concluded that the work of the committee needs to continue to fulfill, for the state of California, one of the key resolutions of CCJ: to “encourage, where appropriate, the broad integration over the next decade of the principles and methods employed in the problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims, and the community.”

Once the committee concluded that there are ample and significant reasons for its work to continue, it identified areas of focus for the next three years that both continue to fulfill the committee’s initial charge and focus on new, related activities, as follows.

Fulfilling the committee’s original charge

Assess and Measure Success and Effectiveness. To fulfill its charge to evaluate the success and effectiveness of collaborative justice courts, the committee will:

- Continue and complete the Proposition 36, DCP, and drug court evaluation;
- Facilitate the development of criteria to measure the effectiveness of different models at the local and state levels;

- Identify other potential factors or purposes for collaborative courts;
- Determine how existing databases complement each other and can be used effectively for evaluation;
- Study and define recidivism;
- Develop collaborative relationships with colleges and universities to collect and analyze data; and
- Encourage and support the development of collaborative relationships among courts and “area government associations” for evaluation purposes, as has been modeled by the San Diego Homeless Court–SANDAG collaboration.

Identify and Disseminate Promising Practices. To fulfill its charge to identify and disseminate promising practices in the operation of collaborative justice courts, the committee will:

- Add to existing survey instruments as needed and create a link between the evaluation process and information to be disseminated;
- Replicate the National Drug Court Institute drug court mentoring program by identifying courts with expertise and expanding a mentoring program to all collaborative justice courts;
- Finish gathering data from local courts as part of the projects with JMI and NCSC at both the state and national levels;
- Collaborate with CJER in providing an educational program on collaborative courts and the promising practices identified in different court models;
- Provide technical assistance to collaborative justice courts through:
 - Site visits by committee members, experienced collaborative court personnel, and staff;
 - Presentations at conferences;
 - Publications (possibly a benchbook);
 - Enhancing the California Courts Web site with more information about collaborative justice courts;
- Reach out beyond the courts in building a strong foundation for collaborative justice courts, including:
 - Enhancing collaborative efforts by getting on the agendas of key committees to make presentations;
 - Renewing liaison relationships with other advisory committees; and
 - Continuing to build relationships with outside agencies and organizations (e.g., drug court coordinators’ association, experts in restorative and therapeutic justice) to learn and disseminate information about promising practices, and encourage the courts to do the same.

Recommend Minimum Educational Standards and Activities. To fulfill its charge to investigate and recommend minimum educational standards and activities, the committee will:

- Strengthen relationships with CJER, other AOC divisions, and other agencies and organizations to collaborate in the delivery of educational programs;
- In collaboration with CJER, expand the scope of the CJER Drug Court Curriculum Committee to develop a core of courses for staff involved in other types of collaborative justice courts;
- Use alternative delivery methods (e.g., a satellite broadcast and a benchbook) to deliver educational programming; and
- Consider developing a standard of judicial administration, rules of court, or other guidelines that establish basic knowledge and skills requirements for those involved in administering and operating collaborative justice courts.

Recommend Funding Sources. To fulfill its charge to research and make recommendations regarding funding sources for collaborative justice courts, the committee will:

- Identify funding opportunities and disseminate information to the courts through the AOC Grants Unit;
- Integrate evaluation, promising practices, and cost-benefit assessment projects to help clarify the relationship of collaborative justice courts with the rest of the court system and the community;
- Prepare to disseminate drug court evaluation information to courts for their use in local efforts to obtain funding;
- Encourage local courts to seek additional funding at local boards, agencies, and organizations and to support state-level efforts; and
- Where appropriate, assist the Judicial Council in efforts to obtain more stable and institutionalized funding for collaborative justice courts.

Recommend Practices for AOC-Administered Grant Funds. To fulfill its charge to recommend practices for the administration of AOC grant funds, the committee will:

- Encourage the Judicial Council to continue to seek increased levels of funding from the Governor and the Legislature as indicated in the results achieved by collaborative justice courts, and as demonstrated in evaluative studies and other data;
- Continue to seek and obtain funding for the AOC to defray the costs of administering state grants; and
- Improve reporting requirements related to grant funding, and directly tie that information into the overall collaborative justice court evaluation process.

Engage in Outreach Activities. To fulfill its charge related to engaging in outreach to support collaborative justice courts, the committee will:

- Encourage the growth of collaborative justice courts to provide a broader pool from which to document the need for and effectiveness of such programs;
- Display on the California Courts Web site photographs of graduations and celebrations of National Drug Court Month in May 2002, and actively inform others of success stories;
- Continue to partner with CJER and other groups to make presentations at conferences, provide collaborative justice courts workshops (such as peer court training), using both state and regional training opportunities (e.g., recommendations to be put on a Cow County Judges meeting agenda).
- Develop a central network or listserv of collaborative justice court professionals, and provide a clearinghouse of information; and
- Identify expanded and alternative methods of outreach such as articles in other professional magazines for related professionals involved in collaborative justice courts, and preparing “tool kits”—training in how to set up collaborative courts.

New activities

The committee identified the following areas of emphasis for future work:

- Focus on distinguishing between collaborative justice mental health courts and the traditional Lanterman-Petris-Short and conservatorship calendars in probate court;
- Increase education and services about the applicability of mental health court principles to general criminal calendars; and
- Actively gather information about the principles and practices of mental health courts and other collaborative justice courts by making site visits.

Summary

The Collaborative Justice Courts Advisory Committee has documented the increase in scope and scale of collaborative justice courts in California. It has embarked on two large endeavors to identify and assess promising practices in these courts: (1) a long-term cost-benefit study of California drug courts, and (2) projects initiated with NCSC and JMI to identify promising practices in courts statewide, within a national framework. These projects are in their beginning phases and should be completed over the next three years. In addition, the committee is involved in the statewide implementation and evaluation of the voter mandate of Proposition 36, through its own activities and those of the Proposition 36 Implementation Workgroup.

The committee has initiated a program to assist courts in identifying costs and opportunities for funding in the area of collaborative justice, including expanding funding programs through the AOC. As the data gathering related to program evaluation and promising practices matures, it will inform future grant programs of the committee.

Finally, the committee has modeled the principles of collaboration found in collaborative justice courts by working with the courts, CJER, and other California and federal governmental agencies and service providers. In particular, the committee has successfully

collaborated with CJER in several instances to present educational programs to support collaborative justice courts of several different kinds. Information about developments in the area of collaborative justice will continue to be provided to courts through CJER and coordinated projects with the Office of Communications at the AOC.

Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective December 18, 2001:

1. Approve the continued existence of the Collaborative Justice Courts Advisory Committee with its current structure;
2. Accept the interim report of the Collaborative Justice Courts Advisory Committee; and
3. Amend rule 6.56 of the California Rules of Court to remove subdivision (d), which required the report to council by November 1, 2001, regarding committee structure, charge, progress, and continuance.

The text of the amended rule is attached at pages 44–45.

Attachments related to this report may be obtained by contacting Nancy Taylor, Senior Court Services Analyst at 415-865-7607 or by email at nancy.taylor@jud.ca.gov.